

## **I. Roll Call**

**Present: Joe Cardello, Eugene Simone, Bruce Santa Anna, Steve Parent, Dr. Lucien Benoit**

**Absent: Ed Magill.**

**Also present were Town Planner Michael Phillips and Assistant Solicitor Bob Rossi.**

## **II. Approval of Minutes – June 26, & July 10, 2008**

**Mr. Santa Anna made a motion to approve the minutes of June 26, 2008 as corrected. Mr. Parent seconded the motion, with all in favor.**

**Mr. Parent made a motion to approve the minutes of July 10, 2008 as corrected. Dr. Benoit seconded the motion, with all in favor.**

## **III. Pound Hill Estates–Major Subdivision Project Preliminary Plan Review & Public Hearing**

**Applicant: Leo Doire – ZYX, Inc.**

**Location: Pound Hill Road**

**Assessor's Plat 10 Lot 59**

**Zoning: Rural Agricultural (RA-65)**

**Attorney Peter Ruggiero addressed the Board for the applicant. He presented some background on the application. It was originally submitted in 2006 and the master plan was approved, but some**

regulations have changed since then. Three lots on the plan have less than the minimum requirements for buildable lots, there were some questions on volatile organics on the property, and DEM wetlands approvals held up the project. At this time, all wetlands and ISDS approvals have been obtained. The Chair asked the applicant to clarify that even with subtracting out the unbuildable parts of the property, all lots meet the minimum area regulations.

David D'Amico, civil engineer addressed the Board to give an overview of the plans. The property is located on the south side of Pound Hill Road near Douglas Pike. It consists mostly of fields 300-350 feet back from road, with the remaining area consisting of wooded land, wetlands, an intermittent stream, and some areas of slope greater than 20%. As shown on the plan, the wetland passes through the middle of the property. All wetlands have been verified, with a 50-ft. buffer for wetlands and an 100-ft. buffer for the stream. Extensive groundwater and soil evaluations tests have been conducted and approved by DEM for OWTS; the test holes are shown on plan. Lot lines have not changed since the original master plan. Six lots are proposed, with one fronted on Pound Hill Road, and the remaining five lots front a new public road (approximately 570-ft. long, built to town standards, with a cul-de-sac and no extreme slopes). All lots are at least 65,000 sq. ft. total, based on wetland edges, but some areas are not buildable. They have obtained approval to build outside buffers. With regard to drainage, 570 feet of pavement (plus

driveways) will increase the stormwater runoff. There will not be too much change in surface type, but a lot of trees will be removed in the back 3 lots. The increased runoff will be mitigated by a small detention pond between lots 4 and 5. They will also be adding 4 catch basins with oil/water separators on each of their outlets to collect runoff. There will be an elongated detention pond, leading runoff to the area of stream where water flows to today; it does not change the runoff pattern.

Mr. D'Amico stated that the application has gone through a rigorous approval process on site suitability, especially with regard to OWTS to be installed. They received approval in April 2008. The front 4 lots will have conventional systems, and Lots 5 & 6 will have advanced systems (bottomless sand filters), as dictated in the site suitability approval.

Dr. Benoit asked the applicant to state on the record what the deficiencies are on the substandard lots. Mr. D'Amico outlined the buildable area on each of the lots, after subtracting unbuildable area (wetlands, buffers, slopes greater than 20%, right of way, and easements). Lot 1 has approximately 42,000 sq. ft. of buildable land, Lot 4 has approximately 49,000 sq. ft. of buildable land, Lot 5 has approximately a 26,000 sq. ft. deficiency of buildable. Though the total area is very large, the buildable land must be contiguous. This is also the case on Lot 6, which is also short approximately 26,000

square feet. The Chair clarified that the substandard lots are approximately 60% of what they should be. The Chair made some suggestions for moving lot lines to make some lots more in compliance with the regulations.

The Chair also commented that the proposed well for Lot 4 is almost on the property line and suggested moving either the well or the property line. He also suggested adding radii at the property line near the Pound Hill Road intersection. He also stated that he would prefer a minimum width of 5-ft. on the sidewalks. The Chair also requested something be in the record showing that the fire department has approved the cul-de-sac as providing adequate access for emergency vehicles.

With regard to OWTS, the Chair asked if they would consider advanced systems on all the lots. Mr. D'Amico stated that they typically go beyond what DEM requires, but that he could propose it. Dr. Benoit stated that if a conventional system can be installed and there is a good water table, then it will be acceptable.

Dr. Benoit asked about proposed streetlights. He stated that he would rather not see any, but would like to require homeowners to install lights at the end of each driveway. The Chair suggested that these lighting requirements be put in the deed restriction as part of a homeowners association. Mr. Ruggiero stated that he believes it is discretionary on the part of the Board to waive streetlights. Dr.

Benoit asked if they could receive a draft wording for such a covenant from Mr. Ruggiero. Mr. Ruggiero agreed to provide this. Mr. Phillips stated that the Planning Board could recommend low level lighting, but that the town won't be able to police lights that are privately-owned. Typically, streetlights are installed at

intersections, at the end of a cul-de-sac, and in areas with significant changes in vertical or horizontal curves. Mr. Phillips stated that he does share Dr. Benoit's concern with lights and cost.

The Chair asked that the applicant check the trees to be sure the sight distance at intersection is adequate. He also suggested adding a stop sign to the intersection.

Mr. Phillips stated that he had received a letter from a resident regarding a fence along the western property line. Mr. D'Amico stated that installation of a 6-ft. fence is part of the plan. Mr. Phillips stated that the Conservation Commission had submitted comments asking that boundary markers be shown for perimeter wetlands to avoid encroachment. The markers should be placed in plans as a permanent marker to avoid clearing of land by subsequent owners. The Chair suggested that the permanent markers should be put in when installing sediment controls. Mr. D'Amico stated that in order to keep the markers in good condition, he doesn't think they should be put up before the erosion control.

**Don Gagnon addressed the Board for Conservation Commission. He stated that he would like to remind the Board about the history of the property with regard to groundwater travel and polluted wells. He stated that six houses will draw a significant amount of water, which may eventually cause issues if drawing water from areas down the road. Mr. Gagnon stated that he would like these concerns in the record in case of any problems in the future.**

**Christopher Pascoe, abutter to the property addressed the Board. He said that his wife had written the letter to Mr. Phillips regarding the fence. He stated that he does not think that the fence needs to extend along the entire property line. He is only concerned with last 300 feet, and the possibility of children falling down into pond on his property. The Chair asked if a fence violates the DEM permit. Mr. D'Amico stated that he is not sure, but that he does not believe a fence going through would be an impact. He will check on it. He will also amend the plans to make the fence shorter in length.**

**Lucien Lamoureux of 1844 Pound Hill Rd. addressed the Board concerning a culvert which crosses the road and flows onto the property. He does not want anything done that will stop the natural flow of the water. Mr. D'Amico stated that it flows into the wetlands area, and they will not be touching it. He stated that it is not properly shown on the plans, but they will locate it and put a note on plans that it won't be blocked. Mr. Phillips assured Mr. Lamoureux that the**

culvert is town property and can't be touched. Wetlands can't be filled, and the town would notify DEM if anything is being done.

The Board discussed how to address the waiver of the buildable area regulations. Mr. Rossi stated that the master plan was granted approximately one month after the new regulations were adopted. He believes that the current regulations should apply. Mr. Ruggiero stated that he is in agreement, and that Lots 1, 4, 5, & 6 remain deficient. Mr. Santa Anna asked if there are any other building envelopes available on Lots 5 & 6. Mr. D'Amico replied that they did not pursue looking into that issue, because

DEM probably wouldn't permit crossing wetlands, and there is no other access to these areas. Though it's not impossible to get permission to cross wetlands, the client made the decision not to try to pursue that.

Mr. Phillips asked that the applicant show the culvert and road edge definitively on the plans. Dr. Benoit referred to the Conservation Commission's concern and asked if the town has any obligation to warn potential purchasers of these concerns. Mr. Rossi stated that the town has no obligation; it is up to the developer. Mr. Ruggiero stated that he would advise the owner of the property to tell a potential homeowner. Chair asked if any potential contaminants would be treatable. The applicant stated that they are treatable with commercially, readily available treatments. Mr. Phillips stated that

**the new regulations will include VOC's for wells. Mr. Gagnon stated that he just wanted to get it on record that the Conservation Commission is aware of the junkyard having materials that may cause problems to the water supply.**

**Dr. Benoit made a motion to continue the application to September 4, 2008. Mr. Parent seconded the motion, with all in favor.**

#### **IV. Jacques Farm LLC, Preliminary Plan—Minor Subdivision**

**Applicant: Frank & Nancy Jacques/Owners**

**Location: 300 Buxton Street,**

**Assessor's Plat 1 Lot 35**

**Zoning: Rural Agricultural (RA-65)**

**Mr. Phillips recused himself from the discussion on this application, as he is an abutter to the property. Mr. Jacques addressed the Board and stated that he had submitted plans with the requested changes addressed. Mr. Santa Anna stated that the new plans have the septic system shown, as well as the culverts and critter crossings. The Chair stated that the Board has everything they need, but they will require an as-built plan once the work has been completed. Mr. Santa Anna questioned whether DEM had approved the clearing and filling of the area shown on the most recent plan and labeled as "existing clearing" and whether there were any outstanding violations. Mr. Jacques stated that he had some compliance issues with DEM but that DEM had reviewed everything and that the plan was in**



**compliance. The Board asked that proof of compliance with the DEM wetlands permit be provided to the Town Planner's office.**

**Mr. Santa Anna made a motion to approve the preliminary plan, subject to release from the wetlands violation, receipt of DEM letters and as-built plans. Mr. Simone seconded the motion, with all in favor.**

## **V. Review of Firm Qualifications**

**Mr. Phillips returned for the remainder of the meeting. He stated that Dowling Village had submitted today for Phases II and III. He presented the Board with a list of 3 firms to consider conducting the Dowling Village Peer Review: Horsley Witten, CEI, & PARE Engineering. He stated that the review could be conducted separately with regard to environmental and engineering review. In this case, Scott Hobson would be recommended for the environmental review. Horsley Witten and CEI are both on the forefront for innovative stormwater methods. PARE has extensive experience in the town and the state. Dr. Benoit stated that he would prefer to keep the work in Rhode Island. The Board discussed**

concerns with each firm, including disadvantages of using a one person firm and the continuity of using one firm for both engineering and environmental. PARE doing traffic peer review, no money for independent study. After discussion, the Board suggested using PARE for traffic review and Horsley Witten for the environmental and engineering review.

Dr. Benoit made a motion to add Issues and Concerns to the agenda to discuss any recent news on the Elizabeth Ave. road work. The motion was seconded by Mr. Santa Anna, with all in favor. Mr. Phillips stated that he has been in contact with the engineer from PARE, who is waiting for details from the survey results. He stated that something has been done, but has not been given to PARE. The Chair stated that it seems at this time that the applicant has done what he said he would do (give directive for the work to begin).

## **VI. Adjournment**

Dr. Benoit made a motion to adjourn at 9:10 pm. Mr. Santa Anna seconded the motion, with all in favor.

**Respectfully Submitted;**

**Angela Pugliese**

**Planning Board Secretary**